

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

DBD OTLP LLC

v.

Civil No. 11-cv-44-JL

Southern New Hampshire
Hospitality, LLC, et al.

v.

CWCapital LLC, et al.

SCHEDULING ORDER

As discussed with the parties during today's preliminary pretrial conference, the motion to substitute AFP 105 Corp. as plaintiff in the place of DBD OTLP LLC (document no. 58) is GRANTED. AFP shall file an amended complaint within 30 days from the date of this order. Defendants shall file amended answers and counterclaims within 15 days after the amended complaint is filed.¹ Counterclaim defendants shall file amended answers within 15 days after the amended counterclaims are filed.

The parties shall confer and file a revised, joint discovery plan by **July 29, 2011**, consistent with the following framework:

- Close of discovery (fact and expert): January 31, 2012
- Summary judgment motions: February 1, 2012
- Expert challenges: April 2, 2012
- Trial: June 2012

¹This court expresses no opinion on whether defendants have a colorable basis for continuing to assert counterclaims against DBD, in light of DBD's recent assignment of the underlying loan documents to AFP.

As discussed at today's conference, receiver Crescent Hotels & Resorts, LLC shall forthwith provide to each party a copy of the hotel accounting and status report that was shared with the court at today's conference, and shall provide copies of future such report(s) to the court and each party as they become available, consistent with this court's order appointing Crescent as receiver (document no. 25).

SO ORDERED.

A handwritten signature in black ink, appearing to read "Joe Laplante", written over a horizontal line.

Joseph N. Laplante
United States District Judge

Dated: July 11, 2011

cc: John H. Perten, Esq.
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